THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO.21223 of 2004

Dated: 21-07-2006

Between:

Ex.Hav. Shyam Rao.

..... PETITIONER

AND

The Government of Andhra Pradesh, rep. by its Principal Secretary, Hyderabad and four others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO.21223 of 2004

ORDER:

The petitioner filed the instant writ petition seeking a writ of Mandamus directing the respondents to assign land admeasuring Acs.5.00 in survey No.1007 of Jawaharnagar (Thoomukunta) Village, Shameerpet Mandal/Medchal Taluk, Ranga Reddy District. The petitioner claims to be the Ex-Serviceman, who was allotted an extent of Acs.5.00 by Jawaharnagar Cooperative Land Colonization Society (JCLCS). Though the land was allotted to the petitioner, regular patta was not granted to him by the revenue officials, in spite of number of representations made by him.

Though the matter is at interlocutory stage, at the request of both the counsel, the writ petition itself is heard and decided. Learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General), brought to the notice of this Court that a similar question was decided by this Court in a batch of writ petitions, being W.P.Nos.3912 of 1992 and batch, by common order dated 25-03-2004, by giving certain directions. Both the counsel requested the Court to dispose of the matter following the said judgment.

In W.P.Nos.3912 of 1992 and batch, this Court gave the following directions.

> In the result, in all the writ petitions, except in W.P.Nos.17041 of 2002, 24015 of 2002, 24819 of 2002, 25681 of 2002, 962 of 2003, 2369 of 2003, 13312 of 2003, 14580 of 2003, 18491 of 2003, and 18703 of 2003, the following order is passed.
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> (i) Wherever the Ex-serviceman has actually in possession of the land and has brought the land under cultivation within a period of three years from the date of allotment to JCLCS, the Mandal Revenue Officer shall consider the case and regularize the possession by issuing D-form patta in favour of Ex-serviceman or his legal heir wherever necessary;
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> (ii) It shall be open to all the Ex-servicemen who are petitioners before this Court to appear before the Mandal Revenue Officer, Shamirpet Mandal on 15-04-2004 with a representation and necessary material with regard to the status as Ex-serviceman, and with regard to possession and other particulars when the Mandal Revenue Officer may fix a date for proper enquiry and complete the enquiry within a period of two months thereafter;
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> (iii) The Mandal Revenue Officer shall submit a detailed

report containing case-wise details to the Joint Collector, Ranga Reddy District who shall sanction/issue patta to eligible

Ex-servicemen. Till this enquiry is completed, there shall be status quo as on today with regard to possession.

(iv) Insofar as writ petitions in the third group mentioned herein above i.e., W.P.Nos.17041 of 2002, 24015 of 2002, 24819 of 2002, 25681 of 2002, 962 of 2003, 2369 of 2003, 13312 of 2003, 14580 of 2002, 18491 of 2003 and 18703 of 2003, the matters are disposed of giving liberty to all the petitioners to seek appropriate relief from the Mandal Revenue Officer for assignment of land. As the allegation that they are in possession of the land is denied, no orders as to possession can be passed in their favour, and the interim orders passed by this Court stand vacated;

(v) It shall be made clear that in no case Ex-serviceman or any other person shall be allotted more than Acs.5.00 of agricultural dry land or Acs.2.50 of wet land;

(vi) As it is reported that in W.P.Nos.23914 of 2002, 20427 of 2003 and 21470 of 2003 the petitioners purchased land admeasuring less than 400 sq. yards from Ex-servicemen for the purpose of construction of house, if they are eligible under relevant Government orders, on payment of market value, their cases may be considered;

All the writ petitions stand disposed of in terms of the above orders.

Accordingly, following the judgment in W.P.Nos.3912 of 1992 and batch, dated 25-03-2004, this writ petition is disposed of. It is made clear that the representation of the petitioner may be considered in the light of the above directions, if not already considered. No costs.

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(**V.V.S.RAO, J**)

21st July, 2006
ghn